IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.2935 of 1989

Date of Decision: August 22, 2007

Reshma Devi .....Petitioner

Versus

Gurbachan Lal and another .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Anurag Chopra, Advocate for the petitioner.

None for the respondents.

S. D. ANAND, J.

The petitioner-landlady filed an ejectment plea against the respondent-tenants on a plea of non-payment of rent for the period from 1.10.1985 to 28.2.1987. Interest on the rent assessed by the Rent Controller was paid by the respondent-tenants on the first date of hearing. In appeal, the respondents deposited rent for the period from 1.2.1984 till 30.9.1985. The plea raised by the petitioner-landlady that the respondents deserve ejectment as they have not paid interest for the period from 1.10.1984 to 30.9.1985 was upheld by the learned Rent Controller. However, in a judgment of reversal, the learned Appellate Authority held that no interest was payable on the rent paid by the respondent-tenants under the orders of the learned Appellate Authority.

The petitioner-landlady is in revision against the impugned order.

It is beyond the pale of controversy that in an earlier ejectment plea, the petitioner-landlady claimed arrears of rent for the period from 1.10.1985 to 28.2.1987. In appeal, the learned Appellate Authority directed the respondent-tenants to deposit rent for the period from 1.10.1984 to 30.9.1985 i.e. the period immediately proceeding the period for which rent had been claimed in the present petition. In compliance with the orders of the learned Appellate Authority, a sum of Rs.1500/- as rent for the period from 1.2.1984 to 30.9.1985 was deposited by the respondents in Court. The learned Appellate Authority was absolutely correct in recording a finding that the interest was payable only on the arrears of rent and that the amount of rent paid by the respondent-tenants for the period 1.2.1984 to 30.9.1985 could not be termed as arrears as it had been paid only under the orders of the learned Appellate Authority which passed that order while disposing of a plea for stay in the matter of ejectment. No law justifying a reversal of the view obtained by the learned Appellate Authority was cited before this Court.

Dismissed.

(S. D. ANAND)
JUDGE

August 22, 2007
SRM